

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided. Upon entry of the above amendment, claims 1, 19 and 29 will have been amended, claims 30-31 will have been added, and finally-rejected claims 11 and 24 will have been canceled. Claims 1, 3-10, 12-19, 21-23 and 25-31 are pending for consideration by the Examiner. Applicant notes that independent claims 1 and 29 have each been amended to incorporate the limitations of canceled dependent claim 11, and that independent claim 19 has been amended to incorporate the limitations of canceled dependent claim 24. Applicant respectfully requests reconsideration of the outstanding rejections and allowance of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claims 1, 3-12, 16-18, 24 and 29 under 35 U.S.C. § 103(a) as being over U.S. Patent No. 4,846,155 to KIMURA in view of U.S. Patent No. 4,044,546 to KOIKE, finding that KIMURA teaches all of the limitations of the above claims except for the teaching of color code or character type being different from the others. However, the Examiner has determined that KOIKE teaches displaying dates and months each in a different color, and concludes that it would have been obvious to include this feature into the device of KOIKE.

With respect to the Examiner's rejection of independent claims 1 and 29, Applicant respectfully traverses this rejection, and submits that the applied references are markedly different from the present invention as claimed. As noted above, Applicant has included the limitations of claim 11 into each of independent claims 1 and 29, and has further included the limitations of claim 24 into independent claim 19. As such, the applied references fail to teach or suggest the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein one of the year, month, and day is set to a color or character type different from the others, as claimed in independent claims 1, 19 and 29-31.

Specifically, Applicants further respectfully submit that the Examiner is mistaken in his assertion that the preferred display order is not considered patentably significant. To the contrary, as noted in page 1, beginning line 15, of the specification of the present application, different parts of the world display the date in different order. For Example, January 10, 2003 is displayed in the United States as 01-10-03, is displayed in Japan as 03-01-10, and is displayed in parts of Europe as 03-10-01. Given the international nature of medicine, as in certain instances medical records and procedures may be viewed in several countries to effect treatment, it is crucial that a doctor or other medical professional viewing the display in any given country, be given accurate information as to when a particular procedure was performed. For Example, a Japanese doctor viewing an image recorded from overseas may

not know whether 01-10-03 designates January 10, 2003, October 3, 2001, or March 10, 2001.

The present invention differentiates one of the day, month and year of the date, from the other of the day, month and year. This differentiation is accomplished, for example, by displaying the year in a manner different from, for example the day and month. For example, by displaying the year in a red color and the day in a blue color, a doctor reading the display will easily be able to distinguish the month, day and year from one another, regardless of their order of display on the screen.

To the contrary, the endoscope of KIMURA merely displays the date on the screen (as noted by the Examiner in, *e.g.*, Fig. 15), and does not differentiate at least one of the day, month and year from each other. Thus, a doctor viewing the display of KIMURA may be confused as to which digits represent the year, month or day of the date, as described *supra*.

Further, KOIKE merely teaches a two-digit Liquid Crystal Display (LCD). According to KOIKE, a two-digit LCD is used to miniaturize the size of a timepiece, since such an LCD takes up less space than, for example, a four, six or eight digit LCD. Thus, since only a two digits of a date is displayed at a time, it is necessary to differentiate the two digits of the day, month and year from each other, since the user would otherwise not know whether the day, month or year is being displayed. KOIKE differentiates between the two digits of the day, month, year, hours, minutes and seconds using color, since only two digits at a time are

displayed. Thus, KOIKE *does not* display the date in an order of at least one of year, month and day; month, day and year; and day, month and year, as claimed in independent claims 1, 19 and 29-31 (and as originally claimed in canceled dependent claims 11 and 24). Thus, Applicant respectfully submits that these independent claims are patentably distinct from the references of record.

Moreover, Applicant respectfully submits that the Examiner has not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner. It is clear that in both rejections under §103, the Examiner has, based upon Applicant's disclosure, picked various individual features of the references and has combined them in the manner taught by Applicant's disclosure. This hindsight reconstruction is inappropriate under 35 U.S.C. § 103. For Example, the endoscope of KIMURA uses a video monitor 4, and is classified in class 600 (SURGERY), while the timepiece of KOIKE uses a two-digit Liquid Crystal Display (LCD), and is classified in class 368 (horology). Thus, the KOIKE reference is not directed toward an electronic endoscope, but is rather directed toward an LCD timepiece. While this reference discloses the use of color to differentiate a two-digit display, it relates to non-analogous art. While KIMURA is directed toward an endoscope, this device lacks the specific recited features of Applicant's claims, and the document fails to provide the subject matter noted above as deficient in KOIKE, and fails to provide the necessary motivation for modifying the

video monitor KIMURA in any manner that would render unpatentable the instant invention.

For example, there is no motivation to include a two-digit LCD into a video monitor.

The Examiner has rejected claims 13-15, 19, 21-23 and 25-28 under 35 U.S.C. § 103(a) as being over KIMURA in view of KOIKE and further in view of U.S. Patent No. 5,408,996 to SALB, finding, regarding claims 13, 14, 19 and 26, that KIMURA and KOIKE teach all of the limitations of the above claims except for the storing processor that stores the date along with the object image as a single image. However, the Examiner has determined that SALB teaches displaying dates and the object image as a single image, and concludes that it would have been obvious to include this feature into the combination KIMURA and KOIKE.

Applicant respectfully traverses the Examiner's rejection for at least the reasons discussed *supra*. As noted above, Applicant has included the limitations of claim 24 into independent claim 19. As such, and for at least the reasons discussed *supra*, the applied references fail to teach or suggest the displaying of the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein one of the year, month, and day is set to a color or character type different from the others, as claimed in independent claims 1, 19 and 29-31. Thus, Applicant respectfully submits that independent claim 19, as well as all independent claims, are patentably distinct from the references of record.

Additionally, with respect to the Examiner's rejection under 35 U.S.C. § 103(a) (based on KIMURA in view of KOIKE and further in view of U.S. Patent No. 5,408,996 to SALB), the Examiner has again not set forth a proper motivation as required by 35 U.S.C. § 103 to combine the teachings of the references in the manner asserted by the Examiner, as it appears that the Examiner has taken the above-noted improper (KIMURA-KOIKE) combination and again inappropriately and randomly combined it with another reference (SALB), to come up the invention as claimed in claims 13-15, 19, 21-23 and 25-28.

Additionally, while the Examiner has correctly asserted that KIMURA and KOIKE fails to explicitly teach a storing processor that stores the date along with the object image as a single image, the Examiner has failed to assert that SALB teaches such a claimed storing limitation. Rather, the Examiner has asserted that SALB teaches displaying dates and the object image as a single image. Applicants note that while SALB may appear to store and display the object image, SALB completely fails to disclose the claimed storing processor that stores said date along with said object image in an image storage device as a single image, as claimed in independent claim 19. In fact, SALB completely fails to disclose the storing of dates at all.

With respect to the Examiner's rejection of dependent claims 3-18, 21-24 and 25-28 under 35 U.S.C. § 103(a), as claims 11 and 24 have been canceled and the remaining claims are dependent from either allowable claim 1 or 19, the independent claims being allowable

for at least the reasons discussed *supra*, these pending dependent claims are also allowable. Further, all dependent claims each set forth a further combination of elements neither taught nor disclosed by the applied references. Accordingly, the Examiner is respectfully requested to withdraw all rejections under 35 U.S.C. §103(a).

With respect to newly-added independent claims 30-31, these claims respectively correspond to newly-amended independent claims 1 and 19, but further incorporate the limitations of claim 12 (or similar claim 25), which recites that the display order can be changed by a switching operation of the display order. While the Examiner correctly pointed out the switching circuit 5 of KOIKE, this circuit merely switches between signals of hours, minutes, seconds, day, month and year, since only two digits at a time can be displayed on the LCD. Thus, none of the applied references teaches or suggests the claimed switchably displaying an order of a date from among year, month and day; month, day and year; and day, month and year, as claimed in independent claims 30-31. Thus, for at least this additional reason, claims 30-31 are patentable over the applied art of record.

As described above, the above amendments to the existing claims and the newly-added claims each incorporate subject matter from an existing claim. Thus, the present amendment does not raise new issues that would require the Examiner to conduct another search. Further, as noted above, finally-rejected claims 11 and 24 have been canceled (totaling two canceled claims) and claims 30-31 will have been added (totaling two newly-

added claims). Thus, the present amendment presents the same number of new claims as canceled finally rejected claims. Accordingly, for at least the above reasons, entry of the present Amendment and Response after the Final Rejection under 37 C.F.R. § 1.116 is appropriate and proper, and is respectfully requested.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 103 and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is in proper form and that none of the references either taken together or taken alone in any proper combination thereof, anticipate or render obvious Applicant's invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been pointed out. Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and are now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to the subject matter argued as deficient in the

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prior art, should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's amendment is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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MARKED-UP COPY OF CLAIMS 1, 19 AND 29

1. (Amended - Marked-Up Copy) A data generating device, provided in an electronic endoscope, said device generating an image data corresponding to an object image obtained by said electronic endoscope, and character information including a date when said object image is obtained, said device comprising:

a date-differentiating processor that generates said character information so that, when said date is displayed on a screen of a display device along with said object image[,]:

at least one of the year, month, and day is differentiated on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color or character type different from the others; and

the date is displayed in an order of at least one of year, month and day; month, day and year; and day, month and year.

19. (Amended - Marked-Up Copy) An electronic endoscope comprising:

a display processor [that displays a year, month, and day of a date] configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen; and

a storing processor that stores said date along with said object image in an image storage device as a single image;

said storing processor [storing the year, month, and day so that at least one of the year, month, and day is differentiated on said screen; and

 said storing processor] configured to differentiate at least one of the year, month, and day by storing one of the year, month, and day by a different color or a different character type in said image storage device.

29. (Amended - Marked-Up Copy) An electronic endoscope comprising:

 a display processor [that displays a year, month, and day of a date] configured to display a date in an order of at least one of year, month and day; month, day and year; and day, month and year, along with an object image on a screen; and

 a date-differentiating processor that sets the mode of display of the year, month, and day to be displayed by said display processor so as to differentiate at least one of the year, month, and day on said screen, wherein said date-differentiating processor sets one of the year, month, and day to a color or character type different from the others.